is best in the interests of the country will be carried out. I suppose in view of what I have stated honourable members will be graciously pleased to concede this demand.

The question that a sum of Rs. 30,000 be given as a supplementary grant under Demand XXXVI—Debt head—Advance to the Agricultural Department—was put and carried.

The grant was made.

LEGISLATIVE BUSINESS.

THE TRAVANCORE PUBLIC HEALTH BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I beg to move that Messrs Mr Kunjukrishna Pillai and R. Sivaramakrishna Aiyar be nominated as members of the Select Committee on the Travancore Public Health Bill. In support of the motion, I may be permitted to state that it is sometime since the Public Health Bill was referred to Select Committee. The Committee met and discussed the general principles underlying the Bill. And they reported to Government that in view of certain provisions in the Bill it was necessary that the District Municipalities and the Corporation of Trivandrum be also heard before the Select Committee report is finally submitted. Government considered the proposal and they were satisfied that these two institutions should have their proper representatives on the Committee. So one member representing the Corporation and another representing the District Municipalities have been nominated. I move that these two members be added to the Select Committee on the Public Health Bill.

MR. A. LEKSHMINARAYANA AIYAR: I second the motion.

The motion was carried.

THE TRAVANCORE CIVIL PROCEDURE CODE (AMENDMENT) BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to present the report of the Select Committee appointed to consider the Civil Procedure Code (Amendment) Bill and beg to move that the Bill as reported be taken into consideration.

MR. K. KUNJAN PILLAI: I second it.

The motion was carried and the Bill as reported was taken into consideration.

Clause 1.

The question that clause 1 stand part of the Bill was put and carried.

The clause was added to the Bill.

Clause 2.

MR. K. KUNJU PANICKER: Sir, I move the following amendment:

In clause 2, delete the following :—

"or of the High Court of Judicature at Rangoon, all the District Courts in Burma."

My reason for such an amendment is that since the High Court of Rangoon and the District Courts of Burma are now under the control of the alien enemies, we cannot have any jurisdiction over them in the matter of execution of decrees. When the Amendment Bill was in the

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[Mr. K. Kunju Panicker.]

Select Committee for discussion, the Courts in Burma were under the control of the British Government. Since they have now gone under the control of Japan who is an alien enemy, it is not possible to bring these courts under the jurisdiction of the Civil Procedure Code. Hence, I propose that my amendment may be accepted.

MR. KAINIKKARA M. PADMANABHA PILLAI: How does the member know that the courts in Burma have gone under the control of Japan?

MR. K. KUNJU PANICKAR: Rangoon City is now in the hands of Japan, an alien enemy and the courts there do not function at all. All the courts in Burma which are contemplated to be controlled by the Amendment Bill are in the alien enemy country at present—so much so we cannot legislate for those countries as if under British control.

MR. KOTTALIL P. ABRAHAM: How does the member substantiate that point? Have any such cases cropped up in our State?

MR. K. KUNJU PANICKER: As for that, there are certain cases in the Kottayam District Court in which the plaintiff was a Travancorean who was residing in Singapore and the suits had to be decided against him since he is a subject of Japan who is our enemy. Further such instances are supported by the British Indian Rulings.

MR. P. S. MUHAMED; I second the amendment.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I oppose the amendment. There seems to be some misapprehension about the scope of this Section and the proposed amendment. The Travancore Government had entered into negotiations with the British Government, for the purpose of effecting reciprocity in the matter of executing decrees. Section 38 (a) enables Government to declare by notification in the Government Gazette that decrees of certain courts established outside India may be executed in Travancore. That enabling power is reserved with Government to be made use of for purposes of reciprocity. If we want our decrees to be executed outside British India, we too must be prepared to execute their decrees in our own courts. The power conferred by Government will be exercised where reciprocal arrangements could be come to. Our Government has an undertaking from the Government of India that such arrangements could be entered into so far as courts in Burma are concerned. Therefore. Government took the opportunity of making the necessary changes in Section 38 (a)

MR. KUNJU PANICKER: May I know, whether the courts of Burma are now under the control of the British Government?

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, if courts in Rangoon have gone to the alien enemy as is now alleged by the honourable member, it is wrong to say that Burma has gone to the enemy. My friend evidently believes in the fifth column alarmist reports and comes forward with an amendment of the kind now suggested by him. He says that Burma has gone, that there is no civil or judicial administration in Burma and that therefore it should be declared as a hostile country. Of course, I do want to say so much as the member has said because I think the member himself would realise the full significance underlying such bald statements. Section 38 (a) empowers Government to make declarations from time to time and sub-clause (b) empowers Government to cancel such declarations as well. If today

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Burma is under the Brittsh control and the decrees pertaining to the respective Governments could be executed freely, we will make the necessary declaration under sub-section (a). If it has fallen to the enemy as is alleged now, we will immediately cancel the arrangement under sub-section (b). That is how the position stands. Under these circumstances, to say that we should not legislate for reciprocal purposes and all that is not quite proper at this stage. Any way, there is an enabling provision to be utilised as the occasion demands. There are enough well known principles to be observed in times of emergency by courts in the State and they will be adhered to rigidly. There need be no apprehension about them. As I said, this is a mere enabling power to be used if the occasion justifies and as such there is no need to make an amendment of the kind proposed in the hope that we will either be falling into enemy's hands or assisting them. With these words, I oppose the motion.

The amendment was put to vote and lost.

The question that clause 2 stand part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 3.

MR. K. KUNJU PANICKER: Sir, I beg leave to move the following amendment:

"In clause 3, after the words "the plaintiff has abandoned his claim" delete the words "and a person in regard to whom an order striking him off from the array of parties as an unnecessary party has become final, are not parties" and substitute "is not a party".

When my amendment is substituted the explanation of Section 40 reads thus:

"but a defendant against whom.....his claim is not a party"

When the court has struck off the name of the person from the array of parties by its judgment in the vistharom stage if the said party under Section 40 of the Civil Procedure Code is precluded from agitating his case if he is so advised, his lot would be very hard if he has any interest with reference to the property to be remedied in the execution side he may be allowed to agitate in the same case in the very same court. I submit that the first part of the section may be retained. If the name of the party is struck off in the judgment or order by the acts of the court, that should not be allowed to work against the interests of the party who is so removed. In other words, if the plaintiff himself has by his action allowed the defendant's name to be struck off the array of the parties, then alone he should be precluded from agitating in the execution of the case his interests. If the interests of a particular person are affected by the decision of the court in the vistharam side and if the person affected is inclined to take steps under Section 40 of the Civil Procedure in the execution it should not be said that he has no remedy in the execution Court. I hope my amendment would be acceptable to the house.

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MR. PUTHUPALLY S. KRISHNA PILLAI: When a person's name i struck off by a court, why should he be treated as a party at all?

MR. K. KUNJU PANICKER: The Section and the explanation dea with the execution of decrees. If the execution is started by the plaintiff and the interest of any defendant, though removed from the array by the court is affected, he should not be prevented from agitating his claim in the execution court. On the other hand if the plaintiff himself says that his name may be removed from the array of the party and if afterwards he were to agitate for his interests in the execution the defendant need not be allowed to pursue his remedies in the execution court.

MR. PUTHUPALLY S. KRISHNA PILLAI: But if the court itself strikes out such a party as unnecessary, how is the party competent to exercise his rights in the very same court? Where does the question of his interest come?

MR. K. KUNJU PANICKAR: In certain cases, certain lower courts may hold certain points in a particular way in respect of the claims of parties and the appellate court may hold differently. If a particular party who is affected by the decision of the lower court is prevented by this clause from pursuing his remedies in the execution Court, that will be a hardship to the person concerned.

MR. PUTHUPALLY S. KRISHNA PILLAI: In such cases, the remedy for the aggrieved party is to prefer an appeal. Supposing a party whose name has been struck out and in respect of whom such an order has become final, how can he afterwards come in and say that his claims should be heard? Especially when he is not a party at all, how can he come into the picture? He will fail in appeal suit also.

MR. K. KUHJU PANICKER: I may draw the attention of the House to Section 47 of the British Indian Civil Procedure Code as well as a large number of conflicting decisions on the point. It is for the purpose of removing those doubts, and difficulties that I seek to move my present amendment.

MR. PUTHUPALLY S. KRISHNA PILLAI: As such questions actually arise, we will deal with them and not now.

MR. K. KUNJU PANICKER: I beg to withdraw my amendment.

MR. KOTTALIL P. ABRAHAM: I have an amendment to make.

MR. PUTHUPALLY S. KRISHNA PILLAI: I myself received notice of that amendment only at 3' O clock today. The amendment is also out of order.

The amendment was not moved.

The question that clause 3 stand part of the Bill was put and carried.

The Clause was added to the Bill.

Clause 4.

The question that clause 4 stand part of the Bill was put and carried.

The clause was added to the Bill.

Preamble and Title.

The question that the Preamble stand part of the Bill was put and carried.

The Preamble was added to the Bill.

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The question that the Title stand part of the Bill was put and carried.

The Title was added to the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I beg to move a small amendment to the following effect:

In clause 1 sub clause 1 for the figures "III" substitute the figures "1117".

MR. K. KUNJAN PILLAI: I second it.

The amendment was put and carried.

MR. PUTHUPALLY S. KRISHNA PILLAI: I move that the Travancore Civil Procedure Code (Amendment) Bill be passed.

MR. K. KUNJAN PILLAI: I second it.

The motion was put and carried.

The Bill was passed.

THE TRAVANCORE MERCHANDISE MARKS BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to present the report of the Select Committee, appointed to consider the Travancore Merchandise Marks Bill and beg to move the the Bill as reported be taken up for consideration.

There are no amendments to the Bill.

The question that clauses 1 to 25 stand part of the Bill was put and carried.

The clauses were added to the Bill.

The question that the Preamble and Title form part of the Bill was put and carried.

They were added to the Bill.

MR. PUTHUPALLY S. KRISHNA PILLAI: Before I move for the Third Reading of the Bill, I may be permitted to move certain formal amendments.

In clause (1) sub clause (i) and in clause 22 (*a*) (i), (*g*), (*h*) (ii) and (i) (ii), for the figures III, figures 1117 may be substituted.

MR. K. KUNJAN PILLAI: I second it.

The motion was put and carried.

MR. PUTHUPALLY S. KRISHNA PILLAI: I move that the Travancore Merchandise Marks Bill be passed.

MR. K. KUNJAN PILLAI: I second it.

The motion was put and carried.

The Bill was passed.

THE TRAVANCORE OFFICIAL TRUSTEES BILL.

MR. PUTHUPALLY S. KRISHNA PILLAI: Sir, I rise to introduce the Official Trustees Bill and beg to move that the Bill be read in the Assembly. In the Bill published in the Government Gazette and from the copy supplied to the honourable members, it could be seen that the object of the Bill is to provide a law which would enable Government to appoint official trustees who, subject to certain restrictions that are specified in the Act and which may be further implemented by rules made under the Act, could undertake the management of trusts of all kinds. The honourable members will know that there is at present no law regulating private or public trusts. There is no doubt there is the Hindu Religious Endowment Amendment Bill. But it is calculated

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